

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF NEW YORK

DIVISION BUFFALO

UNITED STATES OF AMERICA  
PLAINTIFF

V. MICHAEL MASECCHIA  
DEFENDANT

CASE NUMBER 1:19CR00227-002

Defendant presents to the Honorable Court "Pro Se"

Case Law:

BOAG v. MacDougall, 454 U.S. 364, 70 L. Ed.2d 551, 102S.Ct 700 (1982: Pleadings filed by individuals representing themselves are held to a less stringent standard than those prepared by attorneys.

HAINES v. Kerner, 404 U.S. 519, 30 L.Ed.2d 652, 92 S. Ct. 594(1972): Pro Se Defendants complaint should not be dismissed for failure to state a claim upon which relief could be granted if it appears he may be able to offer proof of his claim.

MOTION FOR CONSIDERATION TO THE HONORABLE COURT TO ALLOW A RETROACTIVE SENTENCE REDUCTION REGARDING AMENDMENT 8 2 1 Part A "Status Points", Part B "ZERO POINT OFFENDERS" OR ANY OTHER CHANGES TO THE UNITED STATES SENTENCING GUIDELINES THAT BECAME EFFECTIVE ON NOVEMBER 1, 2023 THAT WOULD APPLY TO THE DEFENDANT.

MOTION FOR THE APPOINTMENT OF COUNSEL IN LIGHT OF THE U.S. SENTENCING COMMISSION'S VOTE TO ALLOW THE RETROACTIVE SENTENCING REDUCTION OR IN THE ALTERNATIVE MOTION TO ORDER THE A.U.S.A TO SHOW CAUSE AS TO WHY THIS MOTION SHOULD NOT BE GRANTED.

Comes now the Pro Se Defendant asking the Honorable Court to grant my Motion(s) for the following reasons:

BACKGROUND

1. I was convicted in this court. The BOP does not allow me to have a copy of my PSI/PSR therefore I can't look up what points I received or did not receive.
2. It is possible that there may also be other aspects of the USSG changes to the guidelines that may effect me that I don't know about or understand as I am NOT an attorney.

CONCLUSION

Because I can't know my eligibility status or understand the changes as I am not an attorney, I have no other choice but to ask the court to appoint counsel. I do understand the 821 Amendment and any other aspect of the amendment have now become effective on November 1, 2023.

WHEREFORE I ask this honorable court to consider me for the retroactive sentencing reductions presented in Amendment 821 effective November 1, 2023 AND appoint counsel, if necessary, to secure my qualification for that referenced Amendment.

IT IS SO PRAYED.  
Respectfully Submitted,

12 / 23 /2023

Butner Camp FCI, ID # 28848-055  
Post Office Box 1000  
Butner, North Carolina 27509  
Certificate of Service

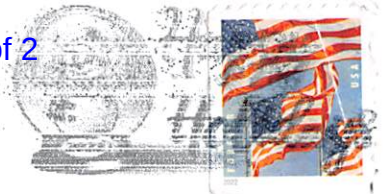
I have sent copies of the foregoing to the following. 1. Clerk of the Court, 2. AUSA through the courts EFS.

*Michael Masecchia 28848-055*

Name: Masecchia  
Federal Prison Camp  
P.O. Box 1000  
Butner, NC 27509

Number: 1:19CR00227-002

RALEIGH NC 275  
Research Triangle Region  
26 DEC 2023 PM 1 L



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BUFFALO

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*19-CR-227-2*

Court Clerk  
Western District Of New York  
Robert H. Jackson Federal Court House  
2 Niagra Square, Room 208  
Buffalo, New York 14202

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